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EXAMINER
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FLANDRO, RYAN M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/669,805

Applicant(s)

HARRIS, SCOTT C.

Examiner

Ryan M Flandro

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,7 and 13-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7 and 13-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78:
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Drawings***

2. The drawings were received on 10/20/03. These drawings are unacceptable. New corrected drawings are required in this application because the most recently submitted drawings are marked with the Patent Application Publication information of another pending application. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Claim Objections***

3. In light of Applicant's amendment submitted 20 October 2003, the objections set forth in the previous Office action are hereby withdrawn.
4. Claim 13 is objected to because of the following informalities: the word "allowing" in line 4 of the claim should be removed for grammatical purposes as the recitation added by amendment contains the word "allows". Appropriate correction is required.

5. Claim 24 is objected to because of the following informalities: the word "posting" in line 1 of the claim should be changed to --portion--.

***Claim Rejections - 35 USC § 101***

6. Applicant's amendment submitted 20 October 2003 (paper no. 4) has overcome the rejections under 35 USC §101.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 7 recites a first portion of the auction being hosted in a non-interactive mode but in which users can place bids and can request current highest bids from the hosting computer. The Examiner, however, understands a mode wherein users can place bids and request highest bid information from the hosting computer to be interactive in fact. Thus, recitation of such mode as non-interactive is indefinite.

***Claim Rejections - 35 USC § 102***

9. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Brown (US 5,794,219). Brown clearly discloses a method of forming a bidding auction over a remote information server, comprising hosting an internet auction on a computer 18 by allowing each of

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a plurality of users **38** to view a current bid **68** and place a new bid **62** for an item in an auction; and automatically updating a view seen by at least some of said plurality of users on other computers **30** to reflect a list of other bidders on the auction (e.g. bidding groups: see figure 6 and column 7 lines 3-6 and column 8 lines 5-13), and to reflect a change in a current highest price on said item, without requiring an action by said some of said plurality of bidders for said automatically updating. (See figures 2 and 9; column 6 line 53 – column 8 line 18; *see specifically* column 8 lines 12-18 – “Specific techniques of updating browser **29** in this manner are well known in the art.”)

10. Claims 2 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Odom (US 6,058,379).

a. Claim 2. Odom discloses a method comprising hosting an internet auction for an item on a first computer **100** connected to the internet (see e.g. column 4 lines 45-49); allowing placing bids for amounts to purchase said item from a second computer **170** connected to the internet (see figure 1; column 3 lines 26-32, column 5 lines 58-63 and column 6 lines 28-32); and storing information on the second computer about bids on the item, which information is not viewable at the second computer, but which information allows local determination at the second computer of whether an entered bid is higher than a current bid amount without contacting said first computer (see column 6 lines 28-55 and *especially* lines 31-45).

b. Claim 25. Odom discloses a method comprising on a first computer **100** connected to the internet hosting an internet auction for an item (see e.g. column 4 lines

45-49); accepting bids on said at least one item (see figure 1; column 3 lines 26-32 and column 5 lines 58-63 and column 6 lines 28-32); and displaying a current price for the item, and keeping secret a current maximum bid which has been placed for the item; and allowing a second computer **170** connected to the internet to place bids on the item, and displaying an icon (column 8 lines 30-33 – second computer employs a GUI, which is defined as an interface for issuing commands to a computer utilizing a pointing device, as a mouse, that manipulates and activates graphical images --icons-- on a monitor.<sup>1</sup>) which allows a bid to be placed without contacting said first computer **100** (see column 6 lines 28-55 and *especially* lines 31-45).

c. Claim 26. Odom further discloses running an applet (a local application) on said second computer, which includes information enabling determining whether an entered bid is higher than said maximum bid (see column 6 lines 28-55 and *especially* lines 31-45).

d. Claim 28. Odom further discloses, in said second computer, determining whether an entered bid is higher than said secret maximum bid amount, and informing a user at said second computer without contacting said first computer (see column 6 lines 28-55 and *especially* lines 31-45).

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<sup>1</sup>The American Heritage® Dictionary of the English Language, Third Edition copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction

***Claim Rejections - 35 USC § 103***

11. Claims 5, 27 and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Odom, as applied to claim 2 above, in view of Ausubel (US 5,905,975).

a. Claim 5. Odom lacks disclosure of providing bids to an agent program which keeps that amounts of the bids secret until a time specified by the bid. Ausubel, however, teaches a method wherein said bids are provided to an agent program (see top of column 3 – “intelligent systems...auctioneer’s system”), which keeps the amounts of the bids secret (see column 1 lines 63-64 “combining some of the advantageous facets of the sealed-bid format...” until a time that is specified by the bid (see generally column 2). This allows users to create a set of rules that take place during the auction without action of the user so that the user need not monitor the auction throughout its duration. Furthermore, such rules are not known to other users and are, therefore, secret. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide bids to an agent program which keeps that amounts of the bids secret until a time specified by the bid in order to allow the user to avoid having to constantly monitor the auction as taught by Ausubel.

b. Claim 27. Odom lacks disclosure of said icon enabling placing a bid which is high enough to exceed said current maximum bid. Ausubel, however, teaches enabling a quick bid whereby a user can automatically bid an amount which will win the auction (see column 1 line 61 – column 3 line 67; see also example at column 10 line 39 – column 12 line 19 - in the example, the automated system containing bidder 1’s bidding

rules automatically places bids high enough to win current bidding situations depending on the particular auction circumstances). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a quick bid function in order to allow the user to instantly win the auction as taught by Ausubel.

12. Claims 7, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odom, as applied above, in view of Alaia et al (US 6,199,050) (Alaia).

a. Claim 7. Odom clearly discloses a method of conducting an auction on the internet comprising on a computer 100 connected to the internet, first hosting a first portion of the auction in a mode where users view an item, and a price for the item, in a non-interactive mode (figure 2 – steps 210,215; see column 5 line 45 – column 6 line 27) as well as second hosting a second portion of the auction in an interactive manner, in which the auction participants place real time bids, which real time bids are seen automatically by other participants in the auction (see column 6 lines 55-58). Odom further discloses that in a mode which includes bidding, another computer 170 connected to the internet can request a current highest bid. (Id.) Odom does not explicitly disclose that in the first non-interactive mode users can place bids on items. Alaia, however, teaches (see column 20 line 63 – column 22 line 3, *especially* column 21 lines 1-4) that auctions typically have a first mode in which users place bids on items followed by a second on-line portion in which bidders interactively submit bids in real time in order for the seller (or the buyer, depending on the nature of the auction) to allow bidder specific bid limitations to help



achieve the optimal outcome for the seller (see column 24 lines 56-60). Therefore, it would have obvious to one having ordinary skill in the art at the time the invention was made to allow bidding during a first non-interactive portion of an auction in order to more effectively achieve an optimal outcome as taught by Alaia.

b. Claim 23. The combination of Odom and Alaia set forth above includes the fact that users cannot view information about other bidders in the auction during said first portion of the auction (see Alaia column 20 line 63 – column 22 line 3, *especially* column 21 lines 1-4), but can view information about other bidders on the auction during said second part of the auction (see e.g. Alaia figure 8).

c. Claim 24. Alaia further teaches that said second portion comprises displaying information on client bidders who are currently bidding on the auction (see figure 8).

13. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel in view of Hartman et al (US 5,960,411) (Hartman).

a. Claim 13. Ausubel discloses a method of automated auction bidding, comprising on a first computer connected to the internet, hosting an auction which allows a plurality of users to bid on an item, where one of the plurality of users has a highest bid, and at least one other of the plurality of users can bid an amount that exceeds said highest bid; said first computer displaying said highest bid, and keeping secret any maximum bid amount that is higher than said highest bid; and enabling a quick bid whereby a user can automatically bid an amount which will win the auction (see column 1 line 61 – column 3 line 67; see also example at column 10 line 39 – column 12 line 19 - in the example, the

automated system containing bidder 1's bidding rules automatically places bids high enough to win current bidding situations depending on the particular auction circumstances). Ausubel further discloses that the user may actively participate rather than rely on previously set bidding rules and would thereby be able to manually submit bids. Ausubel does not, however, disclose that said quick bid is submitted via a single click. Nevertheless, Hartman teaches that single click order placing is well known in the art (see e.g. column 2 lines 55-60 and column 3 lines 30-67). Hartman employs the single click action within the context of placing an order over a communications network which is analogous to, if not exactly the same as, submitting a quick bid over the internet in the context of an auction setting. The single click action of Hartman is made possible by way of previous entry of user identification information and assignment of a unique identifier to that user so that future submissions require only minimal effort (i.e. a single click) and prevent redundant transmission of sensitive information over the network. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the ability to submit a quick bid via the action of a single click as taught by Hartman.

b. Claim 14. Ausubel further discloses a method wherein there are a plurality of bids, some of which are known and others of which are secret, and wherein said quick bid only overcomes those bids which are known (see column 1 line 61 – column 3 line 67; see also example at column 10 line 39 – column 12 line 19).

c. Claim 15. Ausubel further discloses a method wherein said plurality of bids includes a plurality of bids, associated with times when those maximum bids can be made, and

only those bids whose times have been reached are known (see column 1 line 61 – column 3 line 67; see also example at column 10 line 39 – column 12 line 19).

d. Claim 16. Ausubel further discloses a method further comprising enabling an action which allows determining both secret bids and non secret bids (see column 1 line 61 – column 3 line 67; see also example at column 10 line 39 – column 12 line 19 – in the example, the automated system performs queries which determine both secret and non-secret bids according to the rule profile).

14. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ausubel and Hartman, as applied above, further in view of Woolston (US 6,202,051).

Ausubel lacks explicit disclosure that said action includes an extra fee beyond that which would be charged for only non secret bids. Woolston, however, teaches that it is well known in the art to include fees charged for various actions in the auction setting (see specifically claims 29 and 30). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include an extra fee beyond that which would be charged for only non-secret bids since it is well known in online auctions to charge for various actions associated with an auction as taught by Woolston.

15. Claims 18 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odom in view of Hartman.

a. Claim 18. Odom discloses a system comprising a server 100 running a program that displays information about an item to be auctioned (see column 6 lines 5-10), and accepts

bids on said item (see column 6 lines 28-58), and keeps track of a maximum bid (column 6 lines 48-53); and a client 170 enabling and sending a bid to said server 100 which includes an amount of a bid (see column 6 lines 28-58 and element 220 of figure 2).

Odom does not explicitly disclose that the client sends the bid to said server with a single click. Nevertheless, Hartman teaches that single click order placing is well known in the art (see e.g. column 2 lines 55-60 and column 3 lines 30-67). Hartman employs the single click action within the context of placing an order over a communications network which is analogous to, if not exactly the same as, submitting a bid over the internet in the context of an auction setting. The single click action of Hartman is made possible by way of previous entry of user identification information and assignment of a unique identifier to that user so that future submissions require only minimal effort (i.e. a single click) and prevent redundant transmission of sensitive information over the network. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the ability to submit a bid via the action of a single click as taught by Hartman.

b. Claim 29. Odom does not explicitly disclose that the client sends the bid to said server with a single click. Nevertheless, Hartman teaches that single click order placing is well known in the art (see e.g. column 2 lines 55-60 and column 3 lines 30-67).

Hartman employs the single click action within the context of placing an order over a communications network which is analogous to, if not exactly the same as, submitting a bid over the internet in the context of an auction setting. The single click action of Hartman is made possible by way of previous entry of user identification information and

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assignment of a unique identifier to that user so that future submissions require only minimal effort (i.e. a single click) and prevent redundant transmission of sensitive information over the network. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the ability to submit a bid via the action of a single click as taught by Hartman.

16. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Odom and Hartman, as applied to claim 18 above, further in view of Brown, as applied above. Odom lacks explicit disclosure of a system wherein said server automatically updates at least one screen being seen on at least one client to automatically show new bid amounts. Brown, however, clearly teaches a system wherein said server automatically updates at least one screen being seen on at least one client to automatically show new bid amounts (*See* figures 2 and 9; column 6 line 53 – column 8 line 18; *see specifically* column 8 lines 12-18 – “Specific techniques of updating browser **29** in this manner are well known in the art.”). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the feature wherein the server automatically updates the bid amounts shown on at least one screen being seen on at least one client so that the client is consistent with the current auction situation as taught by Brown.

16. Claims 18, 20 and 21 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel in view of Hartman.

- a. Claim 18. Ausubel discloses a system comprising a server running a program that displays information about an item to be auctioned and accepts bids on said item and keeps track of a maximum bid; and a client enabling and sending a bid to said server which includes an amount of a bid (see column 1 line 61 – column 3 line 67). Ausubel does not explicitly disclose that the client sends the bid to said server with a single click. Nevertheless, Hartman teaches that single click order placing is well known in the art (see e.g. column 2 lines 55-60 and column 3 lines 30-67). Hartman employs the single click action within the context of placing an order over a communications network which is analogous to, if not exactly the same as, submitting a bid over the internet in the context of an auction setting. The single click action of Hartman is made possible by way of previous entry of user identification information and assignment of a unique identifier to that user so that future submissions require only minimal effort (i.e. a single click) and prevent redundant transmission of sensitive information over the network. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the ability to submit a bid via the action of a single click as taught by Hartman.
- b. Claim 20. Ausubel discloses a system wherein said client allows sending a plurality of bids, to be executed at a plurality of times (see column 1 line 61 – column 3 line 67).
- c. Claim 21. Ausubel further discloses an amount of said quick bid being displayed responsive to a specified action by the user (e.g., inputting the bid on the bid sheet displayed on user's system) (see column 1 line 61 – column 3 line 67).

***Double Patenting***

17. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

***A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).***

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

18. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 14 of copending Application No. 09/780,248 in view of Brown. Claim 14 does not disclose that a list of other bidders will be seen by users. Brown, however, teaches that listing other bidders is well known in the art of online auctions.

This is a provisional obviousness-type double patenting rejection.

19. Claim 2 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 10 of copending Application No.

09/780,248. Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite substantially similar subject matter. Both recite bid validity determination at the local computer without contacting the computer hosting the auction.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

20. Claim 5 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8 and 10 of copending Application No.

09/780,248. Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite substantially similar subject matter. Claims 8 and 10 of the copending application also recite a program that keeps the bids secret until a specified time.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

21. Claim 14 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8 and 13 of copending Application No.

09/780,248. Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite substantially similar subject matter. Claims 8 and 10 of the



compending application also recites bids which are known and which are secret and a quick bid amount overcomes those known bids.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

22. Claim 15 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8 and 13 of compending Application No. 09/780,248. Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite substantially similar subject matter. Claims 8 and 13 also include times associated with maximum bids and only those whose times have been reached are known.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

23. Claim 22 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10 of compending Application No. 09/780,248. Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite substantially similar subject matter. Claim 10 of the compending application also recites that the server stores maximum bid amounts but only displays a current bid amount and wherein the users computer can determine the validity of a bid without contacting the hosting computer.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

24. Claims 25- 28 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim of copending Application No. 09/780,248. Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite substantially similar subject matter.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

25. Claims 13, 18, 19, 20, 21, and 29 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10 and 13, 12, 11, 5, 21, and 10, respectively, of copending Application No. 09/780,248 in view of Hartman, as applied above. That is, Hartman teaches that it is well known in the art to include a single click function for transmitting information over a network.

This is a provisional obviousness-type double patenting rejection.

### ***Response to Arguments***

26. Applicant's arguments are addressed to the claims *as amended*. Therefore, the Examiner notes that each argument is fully dealt with in the new rejections necessitated by the amendments.

***Conclusion***

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M Flandro whose telephone number is (703) 305-6952. The examiner can normally be reached on 8:30am - 5:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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January 26, 2004

  
**Lynne H. Browne**  
*Supervisory Patent Examiner*  
Technology Center 3670